

THE CAPE COUNTY HERALD.

THE PEOPLE'S PAPER

"SUCCESS COMES TO THOSE WHO GO OUT AND GET IT"

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No. 59

ORDINANCE NO. 996.

MISDEMEANORS.

AN ORDINANCE defining what shall constitute misdemeanors or offenses against the City of Cape Girardeau, and providing penalties therefor.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CAPE GIRARDEAU, MISSOURI, AS FOLLOWS:

Section 1.—Sparring and Boxing.

Any person who shall engage in any public sparring or boxing exhibition, or who shall aid, abet, or assist in any such exhibition, or who shall furnish any room or other place for such exhibition within the limits of this city, shall be deemed guilty of a misdemeanor.

Section 2.—Affrays.

If two or more persons shall within this city in any public place, voluntarily or by agreement engage in any fight, or use any blows or violence toward each other, if any angry or quarrelsome manner, or do each other any willful mischief, or if any person shall assault another and strike him, in any public place, to the terror or disturbance of others, the person, or persons, so offending shall be deemed guilty of an affray, and, on conviction, shall be punished as for a misdemeanor.

Section 3.—Unlawful Assembly.

If three or more persons shall assemble together with the intent, or being assembled shall agree mutually to assist one another, to do any unlawful act, with force or violence, against the person or property of another, or against the peace or to the terror of the people, within the city, such persons so assembling and each of them shall be deemed guilty of an unlawful assembly, and, on conviction thereof, shall be punished as for a misdemeanor.

Section 4.—Riots.

If three or more persons, being assembled as mentioned in the above section, shall proceed to carry out or accomplish their purposes, or do any unlawful act in furtherance or supposed furtherance of said purposes, in a violent, unlawful or tumultuous manner, to the terror or disturbance of peaceful citizens, within this city, every person so offending, or who shall aid or assist in doing any unlawful act, shall be deemed guilty of a riot, and on conviction thereof shall be punished for a misdemeanor.

Section 5.—Mayor May Issue Proclamation.

The Mayor of this city, being apprehensive of a riot or riotous assemblage within this city, may by proclamation, require all minors to keep within doors for any length of time not exceeding three days, during that period of each astronomical day of twenty-four hours which intervenes between the end of one hour after sunset and the beginning of one hour before sunrise; and all minors offending against such proclamation may be forthwith arrested, and, on conviction thereof shall be punished as for a misdemeanor.

Section 6.—Intoxicated Person.

Every person who shall in this city be found in or upon any public street or grounds, street car, steam railway car, or in any store, shop, post-office, theatre, hall, skating rink, or other public place, in a state of intoxication, drunk or under the influence of intoxicating liquor, or who shall be found in such condition at or on any public ground or place where people are lawfully assembled for any purpose whatever, or who shall drink any intoxicating liquor from a bottle, bucket, can, or other vessel, in any such place, shall be deemed guilty of a misdemeanor.

Section 7.—Disturbing Assemblies.

Every person who shall in this city willfully disquiet or disturb any congregation or assembly met for religious worship or services, or when meeting at the place of worship or dispersing therefrom or any school, or other meeting or assemblage of people met together for any lawful purpose whatever, by making a noise, or by rude, or indecent behavior, or profane discourse within the place of assembly, or so near the same as to interrupt or disturb the order or solemnity thereof, or who shall willfully menace, threaten or assault any person there being, shall be deemed guilty of a misdemeanor.

pose whatever, by making a noise, or by rude, or indecent behavior, or profane discourse within the place of assembly, or so near the same as to interrupt or disturb the order or solemnity thereof, or who shall willfully menace, threaten or assault any person there being, shall be deemed guilty of a misdemeanor.

Section 8.—Disturbance of the Peace.

Whoever shall in this city willfully disturb the peace of any family, or of any neighborhood, or of any person, or persons, by loud and unusual noises, or by violent tumultuous, offensive or ostentatious conduct or carriage, or by using toward any person any indecent, profane, obscene or offensive language, or who shall be guilty of any such act, conduct or carriage, or use such in any public place, or by threatening, challenging, assaulting, striking or fighting any person, or persons, and any person in this city who shall willfully suffer and permit any such conduct in or about any house or premises owned or possessed by him, or under his management or control, so that others are disturbed thereby, shall be deemed guilty of a misdemeanor.

Section 9.—Loitering About Depots, etc.

Whoever shall loiter or loaf in, around or about any railroad depot or roundhouse of any railroad company in this city, or whoever shall loiter or loaf upon, around, about the right of way of any railroad company in this city for the purpose then and there to spend his time in idleness, and who is unable to give a good account of himself, shall, in any such case, be deemed guilty of a misdemeanor.

Section 10.—Common Assault.

Any person who shall, within this city, assault or strike or beat or wound another, under circumstances and in such manner as not to constitute any felony under the laws of the State of Missouri, shall be deemed guilty of a misdemeanor.

Section 11.—Indecent or Profane Language in Public Conveniences.

Any person who, while being conveyed through or about this city in an omnibus, hack, street railway car, or other public conveyance, shall be guilty of using indecent or profane language, or of cursing or swearing, or of any offensive or disorderly conduct, the person so offending shall be deemed guilty of a misdemeanor.

Section 12.—Loafing on Street Corners.

If any two or more persons shall assemble together on any sidewalk, street crossing or street corner, and there remain loafing and spending their time in idleness, to the inconvenience or annoyance of the traveling public, they shall each be deemed guilty of a misdemeanor.

Section 13.—Sale of Pistols, Knives and Cartridges to Children Prohibited.

Any person, within this city, who shall sell to any child under the age of sixteen years, without the written consent of the parents or guardian of such child, any cartridge or fixed ammunition of which any fulminate is a component part, or any gun, rifle, pistol, revolver, bowie knife, dirk, dagger, or any knife not made to open and shut, shall be deemed guilty of a misdemeanor.

Section 14.—Discharge of Fire-arms, Sale of Toy Pistols, etc.

Any person, within this city, who shall fire off or discharge any rifle, shot gun, carbine, musket, pistol revolver, or other fire-arms or ordnance, or any cat gun, spring gun or air gun, or who shall throw any rock, pebble or hard substance by means of a sling, cross-bow, India rubber band or bow, or by any other means, and any person who within this city shall sell, give away, or otherwise dispose of any toy pistol or toy fire-arms that may be loaded with a ball or other substance, or which may be discharged by means of a percussion cap or other cap or fuse, and any person who shall use such toy pistol or toy fire-arms, shall be deemed guilty of a misdemeanor; provided, that

nothing in this section shall be so construed as to prevent the discharge of fire-arms by the state militia on parade-days, or by any detachment of the United States army, when done by command of the proper officer; nor shall it be so construed as to prevent the firing of cannon on days of public celebration.

Section 15.—Concealed Weapons, etc.

Whoever shall, in this city, carry upon or wear upon or about his person in a concealed manner, any pistol, revolver, dirk, bowie knife, slung shot, brass, lead or iron knuckles or knuckles of any other metal, sand bag, or any other deadly weapon, or shall go into any church, or place where people have assembled for religious worship, or into any school room or place where people are assembled for educational, literary or social purposes, or to any election precinct on any election day, or into any court room during the sitting of the court, or into any other public assemblage of persons met for any lawful purpose, other than for militia drill under the laws of this state, having upon or about his person any or either of the deadly weapons herein mentioned, or who shall in the presence of one or more persons exhibit any such weapons in a rude, angry or threatening manner, or who shall have or carry any such weapon upon or about his person when intoxicated, or under the influence of intoxicating drinks, or shall directly or indirectly sell or deliver, loan or barter to any minor any such weapon, without the consent of the parent or guardian, in writing, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be fined not less than twenty-five dollars nor more than one hundred dollars; provided, that nothing in this section shall be so construed as to apply to police or other officers whose duty it is to execute process or warrants or to suppress breaches of the peace.

Section 16.—Penalty for Circulating Obscene Matter.

Every person who shall, within this city, manufacture, print, publish, buy, sell, offer for sale or advertise for sale, or have in his possession, with intent to sell or circulate, or shall give away, distribute or circulate any obscene, lewd, licentious, indecent or lascivious book, pamphlet, paper, ballad, drawing, lithograph, engraving, picture, photograph, model, cast, print, article or other publication of indecent, immoral or scandalous character, or shall write, print or publish, sell or circulate any letter, handbill, card, circular, book, pamphlet, advertisement or notice of any kind giving information, directly or indirectly, when, where, how, of whom or by what means any of things hereinbefore mentioned can be had or obtained, and whoever shall print or publish in any newspaper any vulgar, scandalous, obscene or immoral pleadings or evidence in any cause or proceedings before any court or tribunal whatever, shall, on conviction thereof, be deemed guilty of a misdemeanor; but nothing in this section shall be construed so as to effect teaching in regular medical colleges, or public standard medical books, or reports of medical colleges, or the practice of regular practitioners of medicine, or druggists in their legitimate business.

Section 17.—Sale of Certain Books and Papers to Minors Prohibited.

It shall be unlawful for any person to sell, lend, give away, show or have in his possession with intent to sell or give away, or to show, or advertise, or otherwise offer for loan, gift or distribution to any minor child, any book, pamphlet, magazine, newspaper, story paper or other printed paper devoted to the publication, or principally made up of criminal news, police reports, lust or crime, or to exhibit upon any street or highway, or in any other place, within the view of or which may be within the view of any minor child, any book, magazine, pamphlet, newspaper, story paper or any other paper or publication coming within the description of matters mentioned

in this section, or to hire, use or employ any minor child to sell or give away, or in any manner to distribute, or who, having the care, custody or control of any minor child, to permit such child to sell, give away or in any manner to distribute any book, magazine, pamphlet, newspaper, story paper, or any other paper or publication coming within the description of matters mentioned in this section, and any person violating any of the provisions of this section shall be guilty of a misdemeanor.

Section 18.—Indecent Exposure of Person; Lewd Behavior; Lewd Books; Obscene and Immoral Shows.

Whoever shall be found in this city in a public place in a state of nudity, or in any dress not belonging to his or her sex, or shall make any indecent exposure of his or her person or persons; or shall be guilty of any indecent or lewd act of behavior; or shall exhibit, sell or offer for sale any indecent, lewd book, pictures, or thing, or shall exhibit or perform in any public place any indecent, immoral or lewd play or other presentation; or shall exhibit to or before any public gathering, audience, assembly or meeting of any persons, any indecent, obscene, immoral moving picture (and any such picture within the meaning of this ordinance, shall be any picture in the nude of a person, male or female in indecent position, or the reproduction in part or the whole of any prize fight or boxing contest, shall be deemed guilty of a misdemeanor.

Section 19.—Indecent Advertisements Forbidden.

No person shall post, stick or put on any street, alley, sidewalk, wall, fence, bridge, bill board or other public place within the city, or suffer, permit or cause the same to be done, any lewd, indecent, obscene, immoral or grossly written or printed advertisement, bill, poster or circular, or any notice of the professional skill or remedies of any person for the curing of venereal, or what are usually called secret or private diseases; nor shall any person leave or place, or cause to be left or placed, any such advertisement, bill, poster, circular or notice in or upon any house, building, yard or premises, whether the same be enclosed in an envelope or any other form; nor shall any person give, or cause to be given, to anyone any such advertisements, bill poster, circular or notice.

Any person violating any provisions of this section shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than five nor more than one hundred dollars.

Section 20.—Penalty For Owner for Permitting Gambling Device on Premises.

Every person who shall permit any gaming table, bank or device to be set up or used for the purpose of gaming in any house, building, shed, booth, shelter, lot or other premises to him belonging or by him occupied, or of which he has at the time the possession or control, shall, on conviction, be adjudged guilty of a misdemeanor and be punished by imprisonment in the city jail for not more than sixty nor less than ten days, or by fine not more than fifty nor less than five dollars.

Section 21.—Gambling and Bawdy Houses Prohibited.

Every person who shall set up or keep a common gaming house or bawdy house or brothel, or house of assignation, in this city, shall, on conviction, be adjudged guilty of a misdemeanor, and punished by a fine not less than fifty nor more than one hundred dollars.

Section 22.—Permitting Female Under Eighteen to Remain in Bawdy House.

Every keeper or person in charge of any house or building at such time ordinarily used as a common assignation house, or common bawdy house, who shall permit any female under the age of eighteen years to enter into or remain in such assignation house or bawdy house, shall be adjudged guilty of a misde-

meanor, and punished by imprisonment in the city jail for a term of not less than thirty days nor more than three months.

Section 23.—Leasing Houses for Gaming and Other Immoral Purposes.

Every person who shall knowingly lease or let to another any house or other building for the purpose of setting up or keeping therein any of the gaming tables, banks or devices prohibited by the preceding sections, or for the purpose of being used or kept as a gaming house, or brothel or bawdy house, or for the purpose of being used or kept as a place for the illegal sale of intoxicating liquors, shall, on conviction, be adjudged guilty of a misdemeanor, and punished by a fine not less than five nor more than twenty-five dollars.

Section 24.—Who Deemed the Keeper of Gaming and Other Houses.

Every person appearing or acting as master or mistress, or having the care, use or management, for the time, of any prohibited gaming table, bank or device, shall be deemed a keeper thereof; and every person who shall appear or act as master or mistress, or having the care, use or management of any house or building in which any gaming table, bank or device is set up or kept, or of any gaming house, brothel or bawdy house, shall be deemed the keeper thereof.

Section 25.—Throwing dice, etc., and Betting Thereon; Playing With Minor.

If any person shall play at any game whatsoever for money, property or gain, with cards, dice, or any other device, which may be adapted to or used in playing any game of chance, or in which chance is a material element, or shall bet or wager on the hands or cards or sides of such as do play as aforesaid, every such person shall be deemed guilty of a misdemeanor, and upon conviction, be punished by a fine of not less than five nor more than twenty-five dollars; provided further, that every adult person who shall play at any game whatsoever for money or property or gain, with any minor under the age of twenty-one years, with cards, dice or device, as aforesaid, with or without the consent of the parent or guardian of said minor, or shall bet or wager on the hands or cards or sides of such game in which said minor shall play, as aforesaid, shall, on conviction, in addition to the penalty above set forth be confined in the city jail for a term of not less than five nor more than sixty days.

Section 26.—Prohibiting Games and Amusements on Sunday.

Every person, or any agent, servant, employee or manager or any other person who shall open, operate or run any dance hall within the limits of this city, as defined by any ordinance of the city, on the first day of the week, commonly known as Sunday, shall be deemed guilty of a misdemeanor. Opening, operating or running such hall shall consist of selling tickets, collecting tickets, collecting admissions or entrance fee, or any other compensation, engaging musicians to play therein, paying them for their services, or owning, leasing, hiring or renting any such hall and having or causing it to be opened, run and operated and dancing permitted therein.

Any person, or any agent, servant, employee or manager of any person who is licensed under the provisions of any ordinance of the city, or any such unlicensed person, agent, servant, employee or manager who shall permit any person to play at any game upon any pool table, billiard table, ten pin alley, bowling alley, alley balls, shovel board, bagatelle table, pigeon holes, or other like tables, or shall keep the place wherein any such tables are usually kept open, on the first day of the week, commonly called Sunday, shall be deemed guilty of a misdemeanor.

Every person, or any agent, servant, employee or manager of any person, who shall open, operate or run any vaudeville show, variety show, menagerie,

circus, floating palace, exhibition, concert, equestrian performance, puppet show, leger-demain, tumbling, wax figures, ventriloquist, rope or wire walking performance, or sparring exhibitions, or operate or run roundabouts or flying Dutchmen, as defined by any ordinance of this city, within the limits of this city, on the first day of the week, commonly called Sunday, shall be deemed guilty of a misdemeanor.

Any person convicted of violating any of the provisions of this section shall be punished by a fine of not less than fifteen nor more than one hundred dollars, or by imprisonment in the city jail for not less than five nor more than thirty days.

Section 27.—Bathing Naked.

Any person who shall bathe, wash or swim in the Mississippi river or other water course, pond or pool, within this city, during any portion of the time included between sunrise and one hour after sunset, being naked or insufficiently clad to prevent the indecent exposure of his or her person, shall be deemed guilty of a misdemeanor.

Section 28.—Stallion or Jack kept from view, when.

No person shall keep a male horse or jack for teasing or serving mares, at the time of such teasing and service, within three hundred yards of any school house, college or church; nor shall such teasing and service be done near a public highway, or a residence other than that of the owner of such animals, unless the same is so surrounded by artificial or natural barriers as to obstruct the view of persons traveling such highway or residing at such residence. All persons violating the provisions of this section shall be deemed guilty of a misdemeanor.

Section 29.—Vagrants.

Every person who, in this city may be found loitering around houses of ill-fame, gambling houses, or places where liquors are sold or drunk, without any visible means of support, or shall operate any gambling device or apparatus, or be engaged in practicing any trick or device to procure money or other things of value, or shall be engaged in any unlawful calling whatever, and every able-bodied married man who shall neglect or refuse to provide for the support of his family, and every person found tramping or wandering from place to place without any visible means of support, shall be deemed a vagrant, and, upon conviction thereof, shall be punished as for misdemeanor by imprisonment in the city jail not less than ten days nor more than sixty days, or by fine not less than five nor more than twenty-five dollars, or by both such fine and imprisonment.

Section 30.—Committing Nuisance.

Any person who shall commit any nuisance in or upon any street, alley, road, avenue or highway, or in or upon any public or private lot, building or doorway or property of any kind, by throwing or depositing thereon or thereon any dirty, filthy or obnoxious matter of any character, or be defecating or urinating in or upon any such place shall be guilty of a misdemeanor, and, upon conviction, shall be punished by a fine of not less than five nor more than twenty-five dollars.

Section 31.—Dumping animals and refuse into the Mississippi river.

No person, company or corporation shall hereafter dump any dead animal into the Mississippi River north of Morgan Oak Street unless the same be conveyed to the middle of the river so that it shall float off and not lodge or become attached to the bank or any bar along the river within the city limits; and no person, company or corporation shall hereinafter dump, throw or deposit any ashes or cinders, or any refuse, offal or matter of any kind into the Mississippi River between the foot of Bellevue Street and the foot of Independence Street within the city.

Any person, company or corporation violating the provisions

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